REGULAR MEETING MAY 5, 2014 COUNCIL CHAMBERS

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Regular session of the Lackawanna City Council met in the Council Chambers, Council President Henry Pirowski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Pirowski.

Meeting called to order

NB: Meeting being recorded

Roll Call: Council: Present: Noman, Iafallo, Jerge, Lewis, Pirowski

Dept. Heads: Present: Law, Development, Public Works, Comptroller,

Recreation Excused: Public Safety

Approval of Minutes: of regular meeting of April 28, 2014

Moved by Pirowski, seconded by Lewis to adopt minutes of April 28, 2014 as written Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

Communications from the Council:

City Employee Retirements Pending

1. To: City Council

I requested that the City Attorney prepare an Ordinance/Resolution, stipulating that the City Council be informed of all pending City employee retirements.

COUNCIL PRESIDENT PIROWSKI

Moved by Pirowski seconded by Lewis to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

Computer Policy

2. To: City Council

I requested that the City Attorney prepare an ordinance pertaining to the Computer Policy that was passed by the Council at the April 7, 2014 meeting.

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COUNCIL PRESIDENT PIROWSKI

Moved by Pirowski seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

Communications from Department/Division Heads:

Police Department-Purchase Vehicles

3. To: City Council

I respectfully request permission to purchase three (3) unmarked police vehicles at no cost to the City.

The vehicles will be purchased through asset forfeiture funds.

JAMES L MICHEL, JR-POLICE CHIEF

Moved by Lewis seconded by Noman to approve request, Purchasing Agent authorized to purchase vehicles for the police department

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

NYS Work Day Reporting

4. To: City Council

Attached for your review and approval is the Standard Work Day Reporting Resolution for Elected and Appointed Officials (Form RS 2417-A). The form is utilized to establish the standard work day for each position within the City as required by the New York State and Local Retirement System.

PEGGY-BIGAJ-SOBOL-CITY COMPTROLLER

Moved by Pirowski seconded by Iafallo to approve standard work day reporting resolution as required by NYS Retirement System

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

Eviction for Illegal Drug Activity

5. To: City Council

Please put the attached ordinance on the agenda for council approval. Thank you.

ANTONIO SAVAGLIO-CITY ATTORNEY

Moved by Pirowski seconded by Jerge to receive and file, act on ordinance

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

Communications from Citizens

Rename Pearl Street

6. To: City Council

I am writing you this letter regarding my late Father, Willie McMillan. Who used to reside at 55 Pearl in Lackawanna, NY 14218. Who passed away this year. I would like to have Pearl St. named after him in his memory. My Dad worked for the City of Lackawanna Sanitation Dept. for many years and was a pillar of the community.

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Thank you.

THE FAMILY OF WILLIE MCMILLAN

Moved by Pirowski seconded by Noman to table for study

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

Ordinances:

AN ORDINANCE AMENDING CHAPTER 116 OF THE CODE OF THE CITY OF LACKAWANNA ENTITLED EVICTION FOR ILLEGAL DRUG ACTIVITY

116.4 BE IT ENACTED by the City Council of the City of Lackawanna, New York that the following sections of Chapter 116 shall be rescinded and replaced as follows:

116.4 SERVICE OF NOTICE, COMMENCEMENT OF EVICTION PROCEEDINGS

B. If the owner or landlord, or his agent, does not make such application within five days thereafter, or having made it, does not in good faith diligently prosecute it, the person, corporation or enforcement agency giving notice may bring a proceeding under this chapter for such removal as though the petitioner were the owner or the landlord of the premises, and shall have precedence over any similar proceeding thereafter brought by such owner or landowner or to the one theretofore brought by him and not prosecuted diligently and in good faith. Proof of illegal drug activity at the desired premises or by the occupants thereof, or if those resorting thereto, shall constitute evidence of the unlawful use of the demised premises required to be stated in the petition for removal. Notwithstanding the provision of Section 116.5 and 116.6 of this Chapter, multiple instances of illegal drug activity are not required to commence an eviction proceeding under this Chapter. Both the person(s) in possession of the property and the owner or landlord shall be made respondents in the proceeding under this Chapter.

116.6 OTHER EVIDENCE OF PROHIBITED CONDUCT AS PRESUMPTION OF THE EXISTENCE OF ILLEGAL DRUG ACTIVITY

Two (2) or more incidents of the following activities at any building, structure or real property within one (1) year period prior to the commencement of a civil action by notice of such action as provided within this Chapter shall be prima facie evidence of the existence of illegal drug activity.

- (1) Service of an accusatory instrument charging any of the offenses defined in Article 220 and 221 of the New York State law occurring upon the property. For the purposes of this section, an accusatory instrument shall include, but not be limited to, any criminal information, misdemeanor and/or felony complaint filed in a court of competent jurisdiction.
- (2) Service of a search warrant on the building, structure or real property where controlled substances, marihuana [marijuana], drug paraphernalia and/or weapons are seized.
- (3) Recovery of illegal controlled substances, drug paraphernalia or illegal firearms or weapons on the building, structure or real property.
- (4) Investigative purchases of illegal controlled substances on the building, structure or real property by law enforcement agencies of their agents.

116.7 CIVIL PENALTIES

A court granting a petition pursuant to this section may, in addition to any other order provided by law, make an order imposing and requiring the payment by the respondent of a civil penalty not exceeding five-thousand dollars (\$5,000.00) to the City of Lackawanna, in which subject premises is located, and the payment of reasonable attorneys' fees and the cost of the proceeding to the petitioner. In any such case, multiple respondents shall be jointly and severally liable for any payment so ordered, and the amounts of such payments constitute a lien upon the subject property.

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THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Pirowski seconded by Jerge to adopt ordinance as written Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0 Waive Rules - Mowing and Landscaping Moved by Pirowski seconded by Lewis to waive rules Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0 **Contract-Mowing and Landscaping** On Thursday, May 1, 2014, the City Clerk opened sealed bids for grass cutting at various recreational and public property areas in Lackawanna for the upcoming season. The bids are as follows: M&C Lawn Service- \$1,520.00 Emerald Dunes- \$1,507.00 Therefore, I am requesting your Honorable Body award the bids to both M&C Lawn Services and Emerald Dunes. ANTHONY DESANTIS-COMMISSIONER OF PUBLIC WORKS Moved by Pirowski seconded by Lewis to award contract for mowing and landscaping to M & C Lawn Care and Emerald Dunes Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0 **Waive Rules-Press Box** Moved by Pirowski seconded by Lewis to waive rules Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0 **Entertainment License** Press Box- 1841 Abbott Rd-Live Music- Class 1- \$50.00 Moved by Pirowski seconded by Lewis to approve license Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0 Adjournment Moved by Pirowski seconded by Lewis, meeting adjourned

Moved by Pirowski seconded by Lewis, meeting adjourned
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Henry R Pirowski-Council President

Jacqueline A Caferro –City Clerk